

BEFORE THE  
FEDERAL ELECTION COMMISSION

Brad Woodhouse  
American Democracy Legal Fund  
455 Massachusetts Avenue, NW  
Washington, DC 20001

MUR # 17040

Complainant,

v.

Sen. Bernard "Bernie" Sanders  
PO Box 905  
Burlington, VT 05402

Bernie 2016 and Susan Jackson, Treasurer  
PO Box 905  
Burlington, VT 05402

Respondents.

OFFICE OF GENERAL  
COUNSEL

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FEDERAL ELECTION  
COMMISSION

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Sen. Bernard "Bernie" Sanders (I-VT), Bernie 2016 (the "Committee"), and Susan Jackson, in her official capacity as Treasurer (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "Commission") regulations, as described below. Publicly available reports indicate that Sen. Bernie Sanders's campaign accepted hundreds of contributions that exceeded the Act's contribution limits.

A. FACTS

Sen. Sanders is a candidate seeking the Democratic nomination for President,<sup>1</sup> and Bernie 2016 is the senator's principal campaign committee.<sup>2</sup> Since the Committee was organized, it has

<sup>1</sup> FEC, Sen. Bernie Sanders Statement of Candidacy (April 30, 2015), <http://docquery.fec.gov/pdf/533/15031422533/15031422533.pdf>.

<sup>2</sup> Bernie 2016, 2016 Committee Information, <http://www.fec.gov/fecviewer/CandidateCommitteeDetail.do?candidateCommitteeId=C00577130&tabIndex=1>.

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filed three reports of receipts and disbursements.<sup>3</sup> The Commission has sent the Committee two Requests for Additional Information (“RFAI”) for its October Quarterly and Year-End Reports.<sup>4</sup> After the Committee filed its October Quarterly Report, the Commission notified the Committee that Schedule A-P of its filing “discloses one or more contributions that appear to exceed limits set forth in the Act.”<sup>5</sup> In the letter, the Commission explained the Act’s limits and provided a list of excessive contributions.<sup>6</sup>

Even after the Committee was made aware of the excessive contributions in its October Quarterly Report, it continued to accept contributions outside of the Act’s limits. On January 31, 2016, the Committee filed its Year-End Report.<sup>7</sup> Almost two weeks later, the Commission notified the Committee that it had again accepted a number of excessive contributions.<sup>8</sup> Publicly available reports indicate that the illegal contributions should have been easy to identify.<sup>9</sup> Indeed, according to the Commission’s own review, a number of the excessive contributions were nearly double the amount that the Committee was legally permitted to accept—with some single contributions as high as \$5,000 for the primary election.<sup>10</sup> Despite these red flags and the prior notification, the Committee still accepted contributions that it should have been able to identify as excessive.

## B. LEGAL DISCUSSION

<sup>3</sup> *Id.*

<sup>4</sup> Letter to Susan Jackson, Treasurer for Bernie 2016, from FEC (Nov. 3, 2015), <http://docquery.fec.gov/pdf/695/201511030300006695/201511030300006695.pdf>; Letter to Susan Jackson, Treasurer for Bernie 2016, from FEC (Feb. 11, 2016), <http://docquery.fec.gov/pdf/988/201602110300034988/201602110300034988.pdf>.

<sup>5</sup> Letter to Susan Jackson (Nov. 3, 2015), *supra* note 4, at 1.

<sup>6</sup> *Id.* at 1, Attachment.

<sup>7</sup> Bernie 2016, 2015 Year-End Report (Jan. 31, 2016), <http://docquery.fec.gov/cgi-bin/forms/C00577130/1046975/>.

<sup>8</sup> Letter to Susan Jackson (Feb. 11, 2016), *supra* note 4.

<sup>9</sup> Nicholas Confessore, *F.E.C. Tells Sanders Campaign That Some Donors May Have Given Too Much*, N.Y. Times (Feb. 12, 2016), <http://www.nytimes.com/politics/first-draft/2016/02/12/f-e-c-tells-sanders-campaign-that-some-donors-may-have-given-too-much/>.

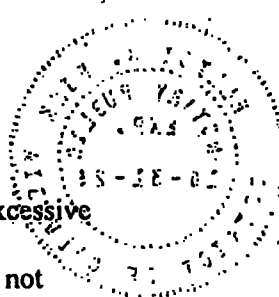
<sup>10</sup> See, e.g., Letter to Susan Jackson (Feb. 11, 2016), *supra* note 4, at Attachment 16 (total contributions from Christine Lai).

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The Act limits the amount of money that any person may contribute to Federal candidates.<sup>11</sup> It is illegal for anybody to contribute—and for any candidate to receive or accept—contributions to a candidate in excess of \$2,700 per election.<sup>12</sup> Despite this clear prohibition and prior notifications from the Commission of its violations, the Committee repeatedly accepted contributions that exceeded the Act's limit. In November 2015, the Commission notified the Committee that it had received numerous excessive contributions and provided the Committee a clear explanation of the Act's contribution limits. However, this notification did not deter the Committee from continuing to accept excessive contributions. After receiving its Year-End Report, the Commission again had to notify the Committee of its violations and to provide Sen. Sanders and his campaign a list of more than one hundred donors who had contributed more than the legally permissible amount.<sup>13</sup> The Commission also clearly explained again the Act's prohibition against receiving excessive contributions. Yet, despite the Act's clarity, the Committee repeatedly accepted contributions that exceeded the Act's limit.

### C. REQUESTED ACTION

As we have shown, Respondents have violated the Act by accepting excessive contributions during consecutive reporting periods. These repeated violations and the subsequent notifications indicate that Respondents have not taken steps to ensure that excessive contributions are not accepted. Respondents' actions also suggest that RFAs are either not strong enough deterrent to prevent Respondents from accepting excessive contributions, are not taken seriously by Respondents, or both. As such, we respectfully request that the Commission take more significant administrative action and investigate these violations; that Respondents be enjoined from further violations; and that they be fined the maximum amount permitted by law.



<sup>11</sup> 52 U.S.C. § 30116(a).

<sup>12</sup> See *id.* at § 30116(a)(1)(A); (c)(1)(C).

<sup>13</sup> Confessore, *supra* note 9.

Sincerely,

*Brad Wood*

SUBSCRIBED AND SWORN to before me this 29 day of February, 2016.

*Willard H. Felt*

Notary Public

My Commission Expires:

10/31/2020

